IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.2037 OF 2005
IN
APPEAL NO.314 OF 2005
IN
SUIT NO.3280 OF 2004
IN
NOTICE OF MOTIION NO.1039 OF 2005

Mr.Parvez Lakdawala .. Appellant

v/s.

Mr.Constance Rodrigues & ors. .. Respondents

Mr.A.A.Joshi i/by Mr.T.S.Patwardhan for the applicant/appellant.

Ms.Rekha Tavade i/by M/s.M.V.Kini & co. for the respondent Nos.1 and 2.

ALONTWITH

NOTICE OF MOTION NO.3347 OF 2005
IN
APPEAL NO.314 OF 2005
IN
NOTICE OF MOTION NO.3343 OF 2004
IN
SUIT NO.3280 OF 2004
IN
NOTICE OF MOTIION NO.1039 OF 2005

Mr.Parvez Lakdawala .. Appellant

v/s.

Mr.Constance Rodrigues & ors. .. Respondents

Mr.A.A.Joshi i/by Mr.T.S.Patwardhan for the appellant.

Ms.Rekha Tavade i/by M/s.M.V.Kini & Co.for the applicant/respondent Nos.1 and 2.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 13th January, 2006

P.C.

The appellant Parvez Lakadawala has not

completed the repair work as directed in the order dated 27th April, 2005 in time. Two notices of motions have been taken out by the parties. Notice of motion No.2037 of 2005 has been taken out in the month of July, 2005 by the appellant Parvez Lakdawala for extension of time by a period of 12 weeks. The other notice of motion No.3347 of 2005 has been taken out by the respondent Nos.1 and 2 for direction to the appellant to complete the work as per the order dated 27.4.2005 immediately and for payment of compensation for the delay and inconvenience caused to these respondents.

2. The advocate for the appellant Parvez Lakdawala submits that in completion of the repair work as per the order dated 27.4.2005, some small work remains to be done. Mr.A.A.Joshi, advocate for the appellant makes the firm statement before us that now within one week from today, the repair work shall be completed by the appellant and that no further extension shall be sought.

3. We are inclined to accept the statement of Mr.A.A.Joshi, made on behalf of the appellant and in view thereof, dispose of these two notices of motions by the following order:

(i) The appellant shall complete the repair work as per the order dated 27th April, 2005

positively within one week from today and submit a final report of satisfactory completion of the said repair work from M/s.Nadkarni & Company-the Commissioner appointed by this Court.

(ii) In case of default, the appellant shall render himself liable to the contempt of this court for wilful and deliberate disobedience of the order.

No costs.

(R.M. LODHA, J.)

(ANOOP V. MOHTA, J.)